

Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD

Administrative Offices: Tucson, Arizona

Physical Operations: Tonopah Airport, Tonopah, Nevada

Aviation Technologies Ltd., "ATL" PRINCIPAL PLACE OF BUSINESS: TONOPAH AIRPORT, NYE COUNTY, NEVADA

Robert Alan Kemp

[D/B/A:]

223771

NEVADA CENTRAL RAILROAD

VIA - USPS and IMMEDIATE OFFICIAL FAX FILING

(Wednesday), October 15, 2008

The Honorable Charles D. Nottingham, Chairman - STB.

The Honorable Ann K. Quinlan, Acting Secretary

Office of the Chairman and Secretary

Surface Transportation Board

395 - E Street, SW.

Washington, DC 20423-0001

By Emergency Fax Filing: (202) 245-0461 / 64 / 65

RE: Docket No. AB-33 (SUB-No. 230X)
(Union Pacific Railroad Company)

[Notice of Intent to File: (MOTION TO STRIKE), the Reply by Union Pacific of October 7, 2008, on or before: Monday, October 27th, 2008.]

Concerning: Union Pacific Railroad Company
- Abandonment Exemption -

Dear Chairman Nottingham, Secretary Quinlan:

I am writing today in relation to the (UP) "Reply to the Appeal" filed on October 7, 2008, under Docket Number AB - 33 (SUB-No. 230X). Please now be advised that I: ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD, intends to file Petitioner's [MOTION TO STRIKE] the (Reply by Union Pacific of October 7th, 2008): on or before, Monday, October 27th, 2008. If You or Your Staff have any questions or comments, please feel free to contact me personally 24-7 at the following telephone number and/or email address. Please also be advised that Union Pacific Railroad Company ("UP"), has NOT Complied with the Boards Order to provide a Complete Condition Report along with Details Supporting Same, but has simply filed an Incomplete NLV with No Supporting Details, as well as a Simple Speed Chart. Petitioner/NCR has Never Received the Track/Right of Way Condition Report, as well as Maps, Diagrams, and or Copies of Titles and Deeds for property relating to the Right of Way subject to Abandonment, resulting to the unlawful decision by UP to Not Comply with the Boards Decisions, as well as the STB Regulations within the OFA Process.

Very truly yours,

Robert Alan Kemp

D/B/A: **NEVADA CENTRAL RAILROAD**

Tucson, Arizona

(775) 287- 3681

atlnv@aol.com

cc: Mr. John T. Digilio, Jr., Vice Chairman - Director/President, Nevada Central Railroad
Mr. Joseph Anthony McNulty, III - Director/Vice President, Nevada Central Railroad

Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD

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[D/B/A:]

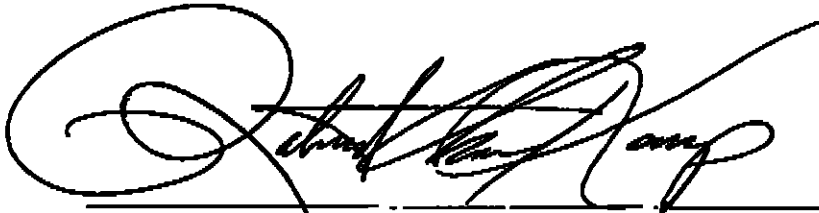
NEVADA CENTRAL RAILROAD

RE: Docket No. AB-33 (SUB-No. 230X)
(Union Pacific Railroad Company)

[CERTIFICATE OF SERVICE]

Concerning: Union Pacific Railroad Company
- Abandonment Exemption -

I, Robert Alan Kemp certify that on this 15th day of October, 2008, that I made service of the attached original NCR [Notice of Intent to File: MOTION TO STRIKE the Reply by UP of October 7th, 2008] on or before: Monday, October 27th, 2008, upon the Surface Transportation Board, (STB), and have mailed a Single Copy of same to all Parties, in Preceding: AB-33 (Sub - No. 230-X), by depositing same into the United States First Class Mail with prepaid postage, and also Directly to the STB via IMMEDIATE FAX DELIVERY FILING to: (202) 245-0461 / 64 / 65.



Robert Alan Kemp

D/B/A: NEVADA CENTRAL RAILROAD

C/O: General Delivery, Phoenix, AZ 85034

(775) 287- 3681, or email at: atlnv@aol.com